

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 25, 2004. Claims 1 to 6, 8 to 33 and 35 to 58 are pending in the application, with Claims 7 and 34 having been cancelled, and Claims 56 to 58 having been added. Claims 1, 8, 9, 22, 24, 25, 27, 28, 35, 36, 49, 51, 52, 54 and 55 have been amended, and Claims 1, 28 and 55 to 58 are in independent form. Reconsideration and further examination are respectfully requested.

Applicant thanks the Examiner for the indication that Claims 8, 9, 13, 14, 18, 35, 36, 40, 41 and 45 would be allowable if rewritten into independent form, including all of the limitations of the base claims. Applicant has chosen not to rewrite these claims into independent form at this time since the base claims for each of Claims 8, 9, 13, 14, 18, 35, 36, 40, 41 and 45 are believed to be allowable for at least the reasons set forth below.

Claims 24, 25, 27, 51, 52 and 54 were objected to for alleged informalities. Specifically, it was alleged that the phrase "location of color of image" as recited in Claims 24 and 51, the phrase "outline of object in the image" as recited in Claims 25 and 52, and the phrase "display description of title" as recited in Claims 27 and 54 are ungrammatical. In response, each of Claims 24, 25, 27, 51, 52 and 54 have been amended merely to make the subject matter thereof even clearer. Accordingly, reconsideration and withdrawal of the foregoing claim objections are respectfully requested.

The specification was objected to for alleged informalities. The specification has been amended to address this objection. Reconsideration and withdrawal of this objection are respectfully requested.

Claim 55 was rejected under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter. While Applicant believes that Claim 55 is directed to statutory subject matter under § 101, Claim 55 has nonetheless been amended to reflect that the computer program claimed therein is stored on a computer-readable medium. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Claims 22 and 49 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Specifically, it was alleged that there is insufficient antecedent basis for the term “each partial data” in these claims. Without conceding the correctness of the rejections, Claims 22 and 49 have nonetheless been amended giving due consideration to the points noted in the Office Action. Reconsideration and withdrawal of this objection are respectfully requested.

Claims 1 to 7, 11, 12, 15, 17, 23, 28 to 34, 38, 39, 42, 44, 50 and 55 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,396,963 (Shaffer); Claims 10, 16, 19, 24 to 27, 37, 43, 46 and 51 to 54 were rejected under 35 U.S.C. § 103(a) over Shaffer; and Claims 20, 21, 47 and 48 were rejected under 35 U.S.C. § 103(a) over Shaffer in view of U.S. Patent Publication No. 2004/0078293 (Iverson). Reconsideration and withdrawal of the rejections are respectfully requested.

Referring specifically to the claims, independent Claim 1 as amended is directed to a data editing method for performing editing on binary data by using plural templates having keywords. The method includes an assignment step of assigning each of plural binary data to one of the plural templates based on the keywords. The method also includes a construction step of, upon reproduction of the plural binary data by using the plural templates, constructing reproduction data so as to reproduce the plural binary data in

accordance with the result of assignment at the assignment step. Each of the plural templates has a limitation number for assignment of binary data. In addition, if binary data more than the limitation number of one template are assigned to the template, remaining binary data are assigned to a predetermined template dedicated for surplus images.

In a similar manner, independent Claims 28 and 55 as amended are respectively directed to an apparatus and a control program.

One feature of the invention of these claims is that each of the plural templates has a limitation number for assignment of binary data, and if binary data more than the limitation number of one template are assigned to the template, remaining binary data are assigned to a predetermined template dedicated for surplus images. The applied references of Shaffer and Iverson are not seen to disclose or suggest at least this feature.

As understood by Applicant, Shaffer discloses a system for employing image recognition techniques to produce a photocollage from a plurality of images, wherein the system obtains a digital record for each of the plurality of images, assigns each of the digital records a unique identifier and stores the digital records in a database. See Shaffer, Abstract.

In its rejection of now-cancelled Claims 7 and 34, the Office Action cited to column 2, line 2 of Shaffer, which describes that the photocollage can have a plurality of pages, and Figure 9, which shows possible layout styles for a page within the photocollage. When citing to these portions, the Office Action asserted that Figure 9 inherently discloses a limitation number per page, and that remaining images are assigned to remaining pages.

Without conceding the correctness of the Office Action's assertion, Applicant respectfully submits that Shaffer is not seen to teach that remaining binary data

are assigned to a predetermined template dedicated for surplus images. In this regard, even if Shaffer could be seen to disclose that each page has an inherent limitation number, a point which Applicant does not concede, image data exceeding that limit number is not assigned in a specific manner. Rather, as the Office Action admits, the remaining images are merely assigned to remaining pages, without specifying a predetermined destination for the remaining images. Thus, Shaffer is clearly different than the invention of Claims 1, 28 and 55, in which remaining data are assigned to a predetermined template dedicated for surplus images.

Iverson has been reviewed and is not seen to add anything that, when combined with Shaffer, would have disclosed or suggested the features of the present invention. More particularly, Iverson, like Shaffer, is not seen to disclose or to suggest at least the feature of each of plural templates having a limitation number for assignment of binary data, and if binary data more than the limitation number of one template are assigned to the template, remaining binary data are assigned to a predetermined template dedicated for surplus images.

In view of the foregoing amendments and remarks, amended independent Claims 1, 28 and 55 are believed to be allowable.

Newly-added independent Claim 56 is directed to an image processing method including a designation step of designating image data and a template, and an output control step of outputting the image data designated in the designation step together with the template designated in the designation step. The template has a limitation number for assignment of image data, and if it is determined that image data more than the limitation number of the template in the designation step are assigned to said template,

remaining image data are assigned to a predetermined template dedicated for surplus images.

In a similar manner newly-added independent Claims 57 and 58 are respectively directed to an apparatus and a control program.

Along the lines of Claims 1, 28 and 55, one feature of the invention of Claims 56 to 58 is that the template has a limitation number for assignment of image data, and if it is determined that image data more than the limitation number of the template in the designation step are assigned to said template, remaining image data are assigned to a predetermined template dedicated for surplus images. As stated above, the art of record is not seen to disclose or to suggest at least this feature.

Allowance of independent Claims 56 to 58 is therefore respectfully requested.


Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 28, 55 to 58 are believed to be allowable over the art of record.

The other claims in the application are each dependent from the independent claims discussed above and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa,
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Respectfully submitted,



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